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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties
due in 1996

Addendum

Niger*

[5 August 1997]

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* This document contains the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Niger (consolidated in a single document) due on 4 January 1990, 1992, 1994 and 1996 respectively. With regard to the eighth, ninth and tenth periodic reports of the Niger, consolidated in a single document, and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/172/Add.1 and CERD/C/SR.838 respectively.

The information submitted by the Niger in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the core document (HRI/CORE/1/Add.45).

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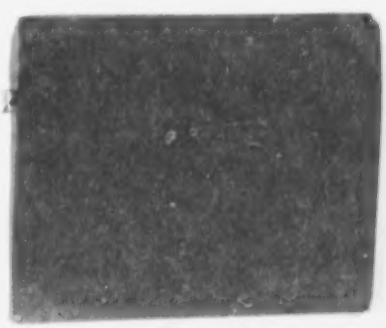

PART I: GENERAL

A. General legal framework for the prohibition of racial discrimination

1. With the advent of democracy in Africa, the Niger organized a national conference from 29 July to 3 November 1991. This conference disbanded all existing institutions. Only the President of the Republic and the Supreme Court were maintained, the former with a purely formal role. The conference established a Higher Council of the Republic, which served as a parliament.

2. The conference also established a transitional regime for a period of 15 months from November 1991 to January 1993. One of the main tasks assigned to this regime was to complete the democratic process by organizing the various elections (legislative, presidential and municipal) in a free and transparent manner. It was in this context that a commission on fundamental enactments was set up. This commission proceeded to draft the Constitution of the Third Republic, which was adopted by referendum on 26 December 1992. The Constitution enshrined political pluralism and established a semi-presidential regime.

3. However, the cohabitation which followed the early legislative elections of 12 January 1995 did not function successfully. The impasse caused by its inoperability lay at the origin of the coup d'état of 27 January 1996, when a new period of transition began, continuing until the establishment of new institutions. During this period a new Constitution was drafted and adopted by referendum.

4. Under this Constitution (of 12 May 1996) the Niger is a State subject to the rule of law. Article 8 of the Constitution stipulates that "The Republic of the Niger is a State subject to the rule of law. It ensures equality before the law to all persons, without distinction as to sex or social, racial, ethnic or religious origin". Article 15 goes on to say: "No one may be arrested or charged except under a law which entered into force prior to the act which he is suspected of committing".

5. Similarly, Title II of the Constitution guarantees citizens a whole range of fundamental rights and freedoms, namely, the rights to life, health, security, education and instruction, the freedoms of thought, opinion, expression and assembly, the freedom to demonstrate, etc. Article 12 of the Constitution provides that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

6. Any specific propaganda of a regionalist, racial or ethnic character or any manifestation of racial or ethnic discrimination is punishable by law, in accordance with article 8. Article 9 bans political parties of an ethnic or regionalist character.

B. Ethnic and demographic characteristics

7. The Niger is a Sahelian country situated in central west Africa and covers an area of 1,267,000 km^2. It has an estimated population of 9 million inhabitants, of whom 50.4 per cent are female. With its vast size, the Niger

shares long borders with most of its neighbours, which are Algeria and Libya to the north, Nigeria and Benin to the south, Chad to the east and Mali and Burkina Faso to the west.

8. Given its situation, the Niger is subject to a Sahelo-Saharan type of climate which is characterized by low rainfall unevenly distributed in both area and time.

9. In administrative terms, the country is divided into 7 departments, 1 urban community (Niamey), 36 arrondissements, 27 administrative centres, 18 urban communes and 3 rural communes.

10. Eight ethnic groups make up the population of the Niger, which is largely Muslim. These groups are: the Arabs, Gurma, Hausa, Kanuri, Peulh, Tuareg, the Tubu, and Djerma and Songhai.

11. The chief characteristic of the population is its extreme youth (45 per cent are aged under 15, and 56 per cent under 20).

12. More than 80 per cent of the population are illiterate. Only 24 per cent of children of school age are enrolled in a school and girls account for under 23 per cent of these enrolled children. The rate is even lower at the secondary level and negligible at the higher level.

13. The population is very unevenly distributed. The average density is 5.7 inhabitants per km^2, but it is 27 per km^2 in the south of the country. Most of the population live in rural areas (85 per cent, as opposed to 15 per cent in the towns). However, for a number of years, because of successive droughts, there has been a mass population movement from the countryside to the towns. This may well cause serious problems in terms of both infrastructure and services (housing, water, sanitation, health, education, employment, etc.).

PART II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

14. Racial discrimination does not exist in the Niger. Consequently, the competent authorities have not deemed it advisable to take special measures as required under article 2, paragraph 1 (a), (b), (c) and (d), of the Convention. As regards paragraph 1 (e), article 2 of Order No. 84-6 of 1 March 1984 establishing the regulations governing associations bans associations of a regional or ethnic character.

15. There was an armed rebellion in the north of the country from 1991 to 1995. With the mediation of the People's Democratic Republic of Algeria, Burkina Faso and the French Republic, an agreement establishing a lasting peace was signed in Niamey on 24 April 1995 between the Government of the Republic of the Niger and the Armed Resistance Organization (ORA). The other fronts or movements, such as the FARS and the FDR, subsequently endorsed the agreement.

16. In order to mark their attachment to this peace agreement, the authorities of the Niger decided to institute a National Day of Concord, which is celebrated on 24 April of each year. This is an official, paid holiday throughout the country. On this day the authorities organize sports and cultural events in order to encourage support for peace and national unity among all the inhabitants.

17. In order to implement the provisions of the peace agreement, the Government set up the Office of the High Commissioner for the Restoration of Peace (HCRP). The means necessary for its functioning are provided by the State. Other specific organs have also been set up. These include:

The Commission responsible for quartering former fighters in the armed resistance and the Tassara vigilance committee, established by Decree No. 97-154/PRN of 9 April 1997;

The Commission for the socio-economic integration and reintegration of former armed resistance fighters;

The Interministerial Committee responsible for supervising the activities of the commissions;

The National Commission for Coordination and Follow-Up of the operations to repatriate displaced Niger citizens in Algeria and Burkina Faso following the armed rebellion, established by Decree No. 97-220/PRN of 19 June 1997.

18. In the context of the programme for the social reintegration of demobilized ORA personnel, the Government has committed itself to take measures to engage them in labour-intensive projects in the area affected by the conflict.

19. It should also be pointed out that the Government has convened a round table to which it invited several donors with a view to mobilizing the necessary resources for the implementation of the peace agreement. This round table was held on 30 and 31 October 1996 at Tahoua and was presided over by the Prime Minister.

20. As regards public administration, the Government, desiring the active participation of all components of the population in the management of the affairs of the State and in the context of the consolidation of peace, undertakes to integrate demobilized ORA personnel at all levels of public administration, in accordance with the criteria of competence and the needs of the State. This will also apply to political office. However, it has to be acknowledged that the implementation of the peace agreement of 24 April 1995 will require enormous financial resources, which will entail considerable input on the part of donors.

Article 3

21. The Republic of the Niger, convinced that it is not possible to condemn the most brutal practice of racism (apartheid) and at the same time cooperate with a regime which raises this practice to the rank of national policy, never

maintained diplomatic or economic relations with the former regime in South Africa. Its position is illustrated by its accession, on 28 June 1978, to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Article 4

22. Any specific propaganda of a regionalist, racial or ethnic character or any manifestation of racial or ethnic discrimination is punishable by law, in accordance with article 8 of the Constitution of 12 May 1996. Within the Republic, foreigners enjoy the same rights and freedoms as citizens of the Niger, in the conditions determined by law.

23. Article 102 of the Penal Code declares any act of racial or ethnic discrimination to be a punishable offence. Article 2 of Order No. 84-6 of 1 March 1984 establishing the regulations governing associations prohibits associations of a regional or ethnic character.

24. An association of a regional or ethnic character is understood to mean:

Any association whose purpose is to maintain in a region of the Niger the particular features of another region, or another ethnic group or traditional practices of racial origin;

Any association of Niger citizens originating from a department, arrondissement, town, commune, canton, group, village or tribe of the Niger and resident in another department, arrondissement, town, commune, canton, group, village or tribe.

Article 5

25. Article 8 of the Constitution of 12 May 1996 guarantees equality before the law to all, without distinction as to sex, social, racial or ethnic origin, etc.

26. Article 13 of the Constitution categorizes as offences punishable by law acts of torture or cruel, inhuman or degrading treatment or punishment perpetrated by any individual or State employee in or on the occasion of the performance of his functions.

27. Article 108 of the Penal Code establishes a penalty of one to five years' imprisonment for this offence.

28. Article 6 of the Constitution reads as follows:

"The people exercises its sovereignty through its elected representatives and by referendum. The conditions for recourse to a referendum are determined by law.

The Supreme Court ensures the proper conduct of voting and proclaims the results of voting".

29. Under the terms of article 7 of the Constitution, suffrage is universal, free, equal, direct and secret. Citizens of the Niger of both sexes aged at least 18 years on the day of the vote, or emancipated minors, in possession of their civil and political rights are entitled to vote, in the conditions determined by law. All citizens of both sexes may stand for election, in the conditions determined by articles 93, 104 and 131 of the Electoral Code.

30. Article 7 of Order No. 89-18 of 8 December 1989 establishing the general statutes of the civil service determines the conditions to be fulfilled for appointment to public office. The final paragraph of the article stipulates that no distinction may be made between candidates of different sexes.

31. As regards article 5, paragraph (d) (i), (ii) and (ix), of the Convention, article 24 of the Constitution recognizes and guarantees freedom of movement and the freedoms of association and assembly in the conditions defined by law.

32. As to paragraph (d) (iii), Niger nationality is granted to any person who fulfils the conditions established in articles 8, 10, 11, 12, 13, 20, 21, 22 and 24 of Order No. 84-33 of 23 August 1984 establishing the Niger Nationality Code.

33. With regard to paragraph (d) (iv), article 18 of the Constitution states that marriage and the family constitute the natural and moral basis of the human community. They are placed under the protection of the State. For the majority of Niger citizens, matters relating to marriage are governed by Muslim custom. It should, however, be pointed out that forced marriage is prohibited in accordance with the dictates of the Muslim religion. Each person freely chooses his spouse.

34. In connection with paragraph (d) (v), article 21 of the Constitution stipulates that "Every person has the right to own property. No one may be deprived of his property except for reasons of public interest and subject to fair and prior compensation".

35. As regards paragraph (d) (vi), Muslim custom as applied by the cadis, and also the courts and the Civil Code recognize the right to inherit.

36. As to paragraph (d) (vii) and (viii), the right to freedom of thought, conscience, religion, opinion and expression is established by article 23 of the Constitution.

37. With regard to paragraph (e) relating to economic, social and cultural rights, article 25 of the Constitution recognizes the right to work, which is respected to the extent of the State's resources. Article 26 of the Constitution recognizes and guarantees trade-union rights, which are also recognized in respect of civil servants by article 19 of Order No. 89-18 of 8 December 1989 establishing the general statutes of the civil service.

38. In connection with the right to housing, in addition to article 21 of the Constitution which guarantees the right to own property, article 20 stipulates that "The home is inviolable. A search of the home may be ordered only in the forms and conditions provided for by law". Every person has the right to rent or purchase a dwelling.

39. The right to health is established by article 11 of the Constitution. However, in view of the prevailing economic difficulties medical care, which was formerly free of charge, now largely has to be paid for. This new trend may have adverse consequences for the health of the rural population, which constitutes the main component of the total population. Social security exists only for a particular category of State employees and employees of private companies.

40. The right to education is also guaranteed by article 11 of the Constitution. An effort is being made by the State to respect this right, and so the teaching and planning of the so-called "nomadic schools", which move around with the populations concerned, are free of charge. The Ministry of Education has also drawn up literacy programmes for adult men and women who have not had the opportunity of attending school. Despite the will of the State, the right to education can be ensured only to the extent of its financial and human capacities.

41. As regards the right to culture, cultural centres are open to the public without any discrimination. The Niger National Radio and Television Office (ORTN) broadcasts cultural programmes in all the national languages.

Article 6

42. Any act of racial or ethnic discrimination is punishable by law (Penal Code, article 102). Similarly, any victim of racial or ethnic discrimination whose individual rights and fundamental freedoms have been violated may take legal action to secure redress for the injury suffered. The last paragraph of article 8 of the Constitution stipulates that "Foreigners within the territory of the Republic enjoy the same rights and freedoms as citizens of the Niger in the conditions determined by law".

Article 7

43. In this connection, the Ministry of Education has launched the civic and moral education (ICM) programme which occupies a very important position in the education system. It prepares teenagers in schools for their harmonious integration in society with the aim of making them fully responsible citizens. The ICM programme is intended to make young people aware of certain facts which (a) concern them as members of a group and (b) may induce them, through critical reflection, to adapt their conduct to the social environment in which they live.

44. One of the themes of this programme is "the development of feelings of brotherhood, friendship, tolerance and solidarity through self-respect and respect for others, emphasizing the acceptance of others". The methodology

used in this programme, which is based on talks and discussion, enables certain virtues, including tolerance, to be cultivated in the students concerned.

45. Thus on the occasion of the National Day of Concord instituted by Decree No. 96-084/PCSN of 4 April 1997, the Ministry devoted the day of 23 April 1997 to lessons in all schools in praise of peace, brotherhood and concord between Niger citizens.

46. In addition, in conjunction with the Niger Association for the Defence of Human Rights, the Minister of Education launched the schools human rights education programme in January 1997. For the first year, 15 middle and high schools were selected and teachers were trained to conduct the relevant classes. Through this programme, the Ministry of Education intends to establish a genuine democratic culture by explaining to young people democratic attitudes and principles in school, in the family, in the district and in the village.

47. Lastly, the Ministry of Education is promoting the establishment of non-governmental organizations, such as the Niger section of the World Association for the School as an Instrument of Peace (EIP/NIGER), which is developing activities relating to education, human rights and peace. EIP/NIGER has organized training courses for teachers.